

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**Mark Anthony Baiamonte,  
Plaintiff**

**: Civil Action  
: #02-CV-3567**

**vs.**

**: JURY TRIAL DEMANDED**

**James Janecka, Davis R. Ruark, Matthew  
E. Brown, George W. Hill Correctional  
Facility, Office of the District Attorney of  
Delaware County, Jane & John Doe's,  
C. D. Drydon and Food Lion  
Defendants**

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**ORDER**

**AND NOW**, this            day of            , 2004, upon consideration of Defendant's Motion and Plaintiff's response, if any, it is hereby ORDERED and DECREED that Plaintiff shall have ten (10) days from the date herein in which to file full and complete answers to Defendant's Interrogatories and a full and complete response to Defendant's Request for Production; it is further ordered that Defendant's Request for Admissions are deemed admitted.

BY THE COURT:

\_\_\_\_\_  
BRODY, ANITA M. J.

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**DEFENDANTS' MOTION TO COMPEL**

Defendant herein, the Delaware County District Attorney's Office, by and through its counsel, Robert P. DiDomenicis, Esquire, hereby moves this Court to enter an Order compelling the Plaintiff to respond to discovery and, in support thereof, avers the following:

1. On February 11, 2004 Moving Defendant served the Plaintiff with Expert Interrogatories, Interrogatories, Request for Production and Request for Admissions. The Plaintiff did not respond within the thirty (30) days required.

2. On March 26, 2004 Defendant's counsel sent a letter to Plaintiff seeking immediate responses. A copy of said letter is attached hereto, made a part hereof and marked as Exhibit "A".

3. Subsequently, defense counsel had a conversation with Plaintiff during the week of April 12, 2004 when defense counsel once again requested that Plaintiff immediately respond to this discovery.

4. Plaintiff has failed to respond by answering or objecting to any of the discovery.

5. Defendant is entitled to an Order compelling Plaintiff's response.

6. Further, Defendant is entitled to an Order establishing that the Request for Admissions are deemed admitted.

7. Copies of the Defendant's discovery requests as set forth above are attached hereto, made a part hereof and marked Exhibit "B", collectively.

WHEREFORE, the Moving Defendant respectfully requests that the Court enter an Order providing relief to the Moving Defendant.

Respectfully submitted,

**HOLSTEN & ASSOCIATES**

**DATE:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**ROBERT P. DIDOMENICIS, ESQUIRE**  
**Attorney for Defendant Office of the District Attorney of**  
**Delaware County**

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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S MOTION TO COMPEL**

Pursuant to Federal Rules of Civil Procedure 33 and 34, Plaintiff was required to respond to Defendant's Interrogatories and Defendant's Request for Production within thirty (30) days. Furthermore, Plaintiff has failed to respond to Defendant's Request for Admissions within thirty (30) days and, in accordance with Federal Rule of Civil Procedure 36 said Request are be deemed admitted.

For the above reasons, Moving Defendant respectfully requests that the Court enter an appropriate Order granting relief to the Defendant.

Respectfully submitted,  
**HOLSTEN & ASSOCIATES**

**BY:**

**ROBERT P. DiDOMENICIS, ESQUIRE**  
**Attorney ID No. 30482**  
**One Olive Street**  
**Media, PA 19063**  
**610-627-2437**  
**Attorney for Defendant Office of the District**  
**Attorney of Delaware County**

**Date:**

**CERTIFICATE OF SERVICE**

I, **Robert P. DiDomenicis, Esquire**, counsel for Defendants Office of the District Attorney of Delaware County, hereby states that a true and correct copy of the within Motion to Compel Discovery and Memorandum of Law in Support of same was served via electronically or via U.S. First Class Mail this \_\_\_ day of July 2004:

Mark Anthony Baiamonte, *Pro Se*  
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21 West Front Street  
PO Box 1789  
Media, PA 19063

Respectfully submitted,  
**HOLSTEN & ASSOCIATES**

**BY:**

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**ROBERT P. DiDOMENICIS, ESQUIRE**  
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**Attorney of Delaware County**